

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION; STATE
OF NEW YORK; STATE OF CALIFORNIA;
STATE OF ILLINOIS; STATE OF NORTH
CAROLINA; STATE OF OHIO;
COMMONWEALTH OF PENNSYLVANIA;
and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

VYERA PHARMACEUTICALS, LLC;
PHOENIXUS AG; MARTIN SHKRELI,
individually, as an owner and former
director of Phoenixus AG and a former
executive of Vyera Pharmaceuticals, LLC;
and KEVIN MULLEADY, individually, as
an owner and former director of Phoenixus
AG and a former executive of Vyera
Pharmaceuticals, LLC,

Defendants.

Case No. 1:20-cv-00706-DLC

[Revised Proposed] Civil Contempt Order

Whereas this Court, on February 4, 2022, entered an Order for Permanent Injunction and Equitable Monetary Relief against Defendant Martin Shkreli (“the Order for Permanent Injunction”); and

Whereas Plaintiffs have filed a motion with a supporting memorandum seeking to hold Defendant Shkreli in civil contempt for failing to comply with the Sections IV and V of the Order for Permanent Injunction; and

Whereas this Court has considered Plaintiffs’ motion and any opposition thereto, the evidence adduced at any hearing, and the record of this matter, the Court now finds, by clear and convincing evidence, that:

- A. Defendant Shkreli received actual notice of the Order for Permanent Injunction, which is a specific and definite order of this Court;
- B. Defendant Shkreli failed to submit to Plaintiffs, as is required under Section IV of the Order for Permanent Injunction, a detailed supplemental Compliance Report, sworn to under penalty of perjury, that sets forth the manner and form in which he intends to comply, has complied, and is complying with the Order for Permanent Injunction;
- C. Defendant Shkreli failed to provide Plaintiffs access to (or copies of) his documents and other records that relate to compliance with the Order, as is required under Paragraph V.B of the Order for Permanent Injunction; and
- D. Defendant Shkreli failed to make himself available to be interviewed by Plaintiffs, as is required under Paragraph V.A of the Order for Permanent Injunction.

It is hereby ordered, adjudged, and decreed as follows:

- A. Defendant Shkreli is in civil contempt of this Court for violating Sections IV and V of the Order for Permanent Injunction;
- B. Defendant Shkreli must submit a revised, accurate supplemental Compliance Report meeting the requirements of the Order for Permanent Injunction and supported by documentation for his full and complete accounting to both Plaintiffs and the Court within 10 days of this order;
- C. Defendant Shkreli must produce all documents responsive to the issues previously identified in Plaintiffs' October 13, 2022 letter within 14 days of this order;
- D. Defendant Shkreli must sit for a deposition under oath within 21 days of this order on the topics previously identified in Plaintiffs' October 13, 2022 letter and on a date agreed to by Plaintiffs; and

- E. The relief ordered herein are in addition to, and not in lieu of, other remedies as may be provided by law, including both civil and criminal remedies.

IT IS SO ORDERED.

Dated: _____

Denise Cote
UNITED STATES DISTRICT JUDGE